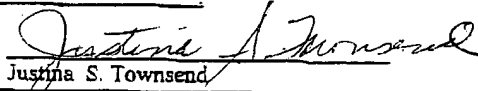


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Tracy E. Grim, et al. Examiner: Marie Patterson  
Serial No. 09/592,462 Group Art Unit: 3728  
Filed: June 9, 2000 Docket No. 480032-307  
Title: FOOTGEAR WITH PRESSURE RELIEF ZONES

CERTIFICATE UNDER 37 CFR 1.8  
I hereby certify that this correspondence and identified enclosures are being deposited with the United States Postal Service, first class mail, postage prepaid, under 37 C.F.R. 1.8 on the date indicated, and is addressed to the Commissioner for Patents, BOX: Non-Fee Amendment, Washington, D.C. 20231 on October 9, 2001  
  
Justina S. Townsend

BOX: Non-Fee Amendment  
Commissioner for Patents  
Washington, D.C. 20231

DECLARATION OF KENT WEBSTER

I, KENT WEBSTER, hereby declare as follows:

1. I am Kent Webster the Chief Financial Officer of Royce Medical Company and I am executing this Declaration By Assignee as part of my duties as Chief Financial Officer. I am a citizen of the United States of America having a principle place of business at 742 Pancho Road, Camarillo, California 93021

The entire title of the patent identified below is vested in said assignee.

Name of Patentees: Tracy E. Grim, Kevin Richard O'Donnell, Eric Gerard Montag

Patent No. 5,761,834

Date of Patent Issue: June 9, 1998

Title of the Invention: FOOTGEAR WITH PRESSURE RELIEF ZONES

Received Time Oct. 1. 4:08PM

Serial No. 09/607,996

I believe said patentee(s) to be the original, first and sole/joint inventor(s) of the subject matter which is described and claimed in said patent, for which a reissue patent is sought on the invention entitled: FOOTGEAR WITH PRESSURE RELIEF ZONES the specification of which is attached hereto.

I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

I verily believe the original patent to be wholly or partly inoperative or invalid for the reasons described below:

☒ by reason of the patentee claiming more or less than he had the right to claim in the patent.

At least one error upon which reissue is based is described as follows:

The patent claims less than the patentee had the right to claim. There is no claim in the patent directed substantially to the following structure: Footgear with pressure relief areas for the foot, said footgear having a sole area extending substantially for the entire area underlying the foot of a user comprising an outer sole; an inner sole extending substantially over the entire sole area mounted in said footgear above said outer sole, said inner sole having a plurality of independently vertically movable sections arranged in a grid pattern, said independently vertically movable sections having lower surfaces which are mounted within said footgear and said sections together form a substantially smooth surface for engagement by the foot; means for independently modifying support of the foot provided at each section location; said resilient sections being directly adjacent one another to form said grid; and said grid of resilient sections comprising substantially all of said inner sole and extending over substantially all of said sole area; wherein said resilient sections each comprise at least three layers of progressively different softness and resiliency, with the softest and most resilient layer being closest to the foot. Similarly, there is no claim in the patent claiming the foregoing, in which the footgear is a shoe, or a shoe that further comprises a heel portion that extends only partially up the heel of the user.

All errors which are being corrected in the present reissue application up to the time of filing of this declaration arose without any deceptive intention on the part of the applicants.

Serial No. 09/607,996

I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact business in the Patent and Trademark Office connected therewith:

Berman, C., Reg. 29249  
Bobys, M.P., Reg. 45,267  
Bosworth, M.K., Reg. 28,186  
Bovasso, L.J., Reg. 24,075  
Boyce, J., Reg. 40,920  
Brown, M.E., Reg. 28,590  
Burton, D.L., Reg. 45,323  
Canter, B., Reg. 34,792  
Chen, A., Reg. P48,508  
Chou, C., Reg. 41,672  
Coleman, B.R., Reg. 39,145  
Cullman, L.C., Reg. 39,645  
Darrow, C., Reg. 30,166  
Diepenbrock III, A.B., Reg. 39,960  
Edwards, W.G., Reg. 44,426  
Farber, M., Reg. 32,612

Guemsey, L.B., Reg. 40,008  
Guillot, R.O., Reg. 28,852  
Hamrick, C.A.S., Reg. 22,586  
Hansen, S.R., Reg. 38,486  
Harris, M.D., Reg. 26,690  
Hayden, R.D., Reg. 42,645  
Heyninck, M., Reg. 44,763  
Hickman, P.L., Reg. 28,516  
Howell, S.M., Reg. 45,929  
Hughes, M.J., Reg. 29,077  
Inskoop, J.W., Reg. 33,910  
Jastram, H.D., Reg. 19,777  
Kelley, S.S., Reg. 43,449  
Kennedy, B., Reg. 33,407  
Khan, T., Reg. 46,273  
Kudla, J.P., Reg. P47,724

Larson, D.N., Reg. 29,401  
Lazaris, S.J., Reg. 45,981  
Lervick, C.J., Reg. 35,244  
Lieske, S.C. Reg. 47,749  
MacLean, K.A., Reg. 31,118  
McKinley, D., Reg. 42,867  
McRoss, L., Reg. 40,427  
Morton, C.A., Reg. 44,954  
Nader, R., Reg. P47,260  
Roberts, R.E., Reg. 38,597  
Rose, A. C., Reg. 17,047  
Rosenberg, C., Reg. 31,464  
Sherry, L., Reg. 43,918  
Smith, G.P., Reg. 20,142  
Swienton, B., Re. P49,050  
Wood, G.B., Reg. 28,133

whose address is:

**OPPENHEIMER WOLFF & DONNELLY LLP**

2029 Century Park East, 38th Floor

Los Angeles, California 90067

Telephone (310) 788-5000

Fax (310) 788-5100

Attn: Alan C. Rose

Direct Telephone: (310) 788-5030

their attorneys to prosecute this application and to transact in connection with the application all business in the Patent and Trademark Office and before competent International Authorities including the World Intellectual Property Organization.

To the best of my knowledge and belief, title is in the assignee identified above. I am empowered to act on behalf of the assignee.

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent application issuing thereon.

Respectfully submitted,

Date: Sept 10, 2001

  
Kent Webster